Remarks

Claims 1-20 are pending in this application. In an Office Action dated April 6, 2004, the Examiner rejected claims 1, 2, 4, 5, 8-16 and 18-20 under 35 U.S.C. § 102(b) as being anticipated by what appears to be a published French application, pub. no. FR2768100, assigned to Bertrand Faure Equipements SA (henceforth, Bertrand Faure). The Examiner rejected claims 3, 6, 7 and 17 under 35 U.S.C. § 103(a) as being unpatentable over Bertrand Faure in view of U.S. Patent No. 6,362,731 to Lill (henceforth, Lill). Applicants respectfully disagree with the Examiner's rejections and request reconsideration in light of the following remarks.

Bertrand Faure is written entirely in French. In making his rejections, the Examiner relied solely on the figures in Bertrand Faure. It appears that the Examiner, like the undersigned, does not read French. The European Patent Office web site has an English bibliography of Bertrand Faure listing the title as "Cordless loudspeaker unit mounted in head rest of vehicle seat." The English abstract is reproduced as follows:

> Use of relayed signals (14, 15) from an area of the car means that connection between the central car radio system and the local unit is cordless.

A copy of the English bibliography for Bertrand Faure is submitted in an Information Disclosure Statement together with this paper.

Claim 1 provides a vehicular seating system responsive to radio frequency (RF) signals. The system includes a vehicle passenger compartment defined by an interior boundary. A seat disposed within the passenger compartment has a seat back separated from the interior boundary. A head rest extends from the seat back. A module is *centrally disposed within the headrest* for receiving RF signals.

Embodiments of Applicants' positioning of a module within a headrest are illustrated in Figures 3-6 and described at page 6, lines 1-19, reproduced as follows (emphasis added):

> Figure 3 illustrates an embodiment of the present invention having module 30 disposed within interior compartment 38 of headrest 28 with foam 40 supporting and positioning module 30 within headrest 28. *Foam 40 separates module 30 from outer material 42 covering headrest 28,*

> *allowing head pressure upon headrest 28 without any portion of covering material 42 contacting module 30.* Headrest 28 is supported by a pair of hollow support tubes 44. Typically, tubes 44 allow headrest 28 to be positioned relative to seat 26. Foam 40 also separates module 30 from hollow support tubes 44.
>
> Figure 4 is a cross-section view of the Figure 3 headrest illustrating module 30 being located within center region 46 of headrest 28 by foam 40. *Module 30 is thus separate from outer covering material 42.*
>
> Figure 5 illustrates an embodiment of the present invention having module 30 disposed within interior compartment 46 of headrest 28 by support cross member 48, which typically extends between the two hollow support tubes 44. Module 30 is attached to support cross member 48 by a bracket 50 so that *no portion of module 30 contacts outer covering material 42.*
>
> Figure 6 is a cross-section view of the Figure 5 headrest illustrating module 30 located within center region 46 of headrest 28 by support cross member 48. *Module 30 is thus separated from outer covering material 42.*

Thus, Applicants disclose module 30 as located entirely within the headrest.

The Examiner asserts that claim 1 is disclosed by Bertrand Faure, citing Bertrand Faure's reference 10 as Applicants' module. Reference 10 includes speakers 9, a portion of each clearly shown in Figure 1 as being *outside* of headrest 8. Not only does Bertrand Faure fail to disclose Applicants' invention, Bertrand Faure actively teaches away by mounting speakers that protrude from the inside of the headrest. Eliminating the speakers from consideration, Bertrand Faure still does not disclose Applicants' invention. There is no illustration in Bertrand Faure as to how a module is mounted within or on a headrest. It is not apparent from the figures whether or not Bertrand Faure even considers problems associated with mounting a module within or on a headrest.

The Examiner has failed to establish a prima facie case that claim 1 is anticipated by Bertrand Faure. Claims 2-14 depend from claim 1 and are therefore also patentable.

Claim 2 provides that the RF signals originate from a source outside of the passenger compartment. The English bibliography indicates that Bertrand Faure discloses

transmission of signals from a car radio system "from an area of the car." Thus, Bertrand Faure neither teaches nor suggests Applicants' claim 2.

Claim 5 provides that the RF signals originate from a control source and that the control source is a remote keyless entry device. The English bibliography indicates that Bertrand Faure discloses transmission of signals from a car radio system "from an area of the car." Thus, Bertrand Faure neither teaches nor suggests Applicants' claim 5.

Claim 8 further provides means for a vehicle control system to communicate with the module in response to the received signals. The Examiner provides no disclosure in Bertrand Faure for a control system which does anything in response to RF signals received by the module. Further, there is no suggestion in the figures of Bertrand Faure that communication of any kind travels from the headrest. Thus, Bertrand Faure neither teaches nor suggests Applicants' claim 8.

Claim 9 provides that the module is supported and positioned within the headrest by foam so that the module is separated from an outer covering material of the headrest. There is no indication in the figures of Bertrand Faure as to how the module is supported and positioned within the headrest. Thus, Bertrand Faure neither teaches nor suggests Applicants' claim 9.

Claim 10 provides that the module is supported within the headrest by a cross member within the headrest so that the module is separated from an outer covering material of the headrest. There is no indication in the figures of Bertrand Faure as to how the module is supported and positioned within the headrest. Thus, Bertrand Faure neither teaches nor suggests Applicants' claim 10.

Independent claim 15 provides a vehicle seating system for receiving RF signals. The system includes a seat back portion and a headrest portion having an interior compartment. An antenna is centrally disposed within the interior compartment for receiving RF signals. The Figures in Bertrand Faure provide no indication whatsoever as to how an antenna is to be mounted within or on a headrest. Thus, Bertrand Faure does not teach Applicants' invention as provided in claim 15. Claims 16-18 depend from claim 15 and are therefore also patentable.

Claim 17 further provides that the antenna mounted within the headrest transmits RF signals. There is no teaching or suggestion in Bertrand Faure that the antenna in module

10 does anything but receive signals from a car radio system. Thus, Bertrand Faure neither teaches or suggests Applicants' claim 17.

Independent claim 19 provides a remote keyless entry (RKE) system for an automotive vehicle including an RKE device for transmitting radio frequency (RF) signals. The system also includes a front vehicle seat having a headrest. An antenna capable of receiving RF signals from the RKE device is *centrally disposed* within the headrest. A control system in communication with the antenna responds to the RKE signals. As described above, Bertrand Faure does not teaches or suggests an RKE system. Bertrand Faure also does not teach or suggest centrally locating an antenna within a headrest.

Claims 1-20 are pending in this application. Applicants believe these claims are patentable over the cited art, as best understood, and therefore respectfully request that this case be passed to issuance. No fee is believed due by filing this paper. However, any fee due may be withdrawn from Deposit Account No. 02-3978 as specified in the Application Transmittal.

The Examiner is invited to contact the undersigned to discuss any aspect of this case.

Respectfully submitted,

RIAD GHABRA et al.

By _____
Mark D. Chuey
Reg. No. 42,415
Attorney/Agent for Applicant

Date: June 18, 2004

BROOKS KUSHMAN P.C.
1000 Town Center, 22nd Floor
Southfield, MI 48075-1238
Phone: 248-358-4400
Fax: 248-358-3351